

**Notice of Allowability**

Application No.

10/657,326

Examiner

Nini F. Legesse

Applicant(s)

BENDER, MICHAEL E.

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 July 2005.
2. ☒ The allowed claim(s) is/are 1-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 02/06/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Nini F. Legesse*

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The claims are allowable over the prior art of record but after careful review of the claims, the examiner found some of the claims to have potential indefiniteness problems. Thus, examiner has contacted Applicant's representative to be able to place the claims in good condition for allowance. Authorization for this examiner's amendment was given in telephone interviews with Mr. Carl M. Napolitano on 09/09/05 and on 09/20/05.

#### **The application has been amended as follows:**

- The expression " the side barrier wall for positioning the barrier wall on a non-dominant side " in claim 1 line 18, is changed to - - the knee barrier and wherein the barrier wall is positioned on a non-dominant side - -.
- In claim 5, lines 5 and 7, the expression "the hemispherical barrier" is changed to - - the arcuate barrier - -.
- In claim 8, line 3, the expression "in a plane rearward a plane" is changed to - - in a rearward plane - -.
- In claim 11 line 2, the expression "mounting a flap for extending from on the barrier wall" is change to - - mounting a flap extending from the barrier wall - -.

Art Unit: 3711

- In claim 11 line 3, the expression "in a plane rearward a plane" is changed to - - in a rearward plane - -.
- In claim 20, line 18, the expression "the side barrier wall for positioning on a non-dominant side" is changed to - - the knee barrier and wherein the knee barrier is positioned on a non-dominant side - -.
- In claim 24, line 6, the expression "the hemispherical barrier" is changed to - - the arcuate barrier - -.
- In claim 26 and claim 30, line 3, the expression "a plane rearward a plane through witch" is changed to - - a rearward plane through which - -.
- In claim 35, line 14, the expression "when not performed in a desired manner" is changed to - - when the golf swing is not performed in a desired manner - -.
- In claim 45, lines 4 and 6, the expression "the hemispherical barrier" is changed to - - the arcuate barrier - -.
- In claim 48, line 1 the expression "(new:" is changed to - - (new); in line 3, the expression "a plane rearward a plane" is changed to - -a rearward plane - -.
- In claim 50, line 21, the expression "the hemispherical barrier" is changed to - - the arcuate barrier - -.
- In claim 52, line 4, the expression "barrier provides" is changed to - - barrier acquires - -.
- In claim 58, line 3, the expression "a plane rearward a plane" is changed to - - a rearward plane - -.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

**Regarding claims 1 and 20**, none of the prior art of record discloses wherein a horizontally disposed plate and a horizontally disposed rod would both contact a golfer in the manner claimed including a vertically disposed positioning barrier wall, when affixed in the manner claimed.

**Regarding claims 3, 22, and 39**, none of the prior art of record discloses the combination of a pivotally mounted pole, a horizontally positioned elbow barrier, and a planar barrier, when affixed in the manner claimed.

**Regarding claims 5 and 24**, none of the prior art of record discloses the combination of an arcuate barrier, a barrier wall, and a horizontally extending rod from the barrier wall, when affixed in the manner claimed.

**Regarding claims 10 and 29**, none of the prior art of record discloses the combination of a vertical rod, a barrier wall, and a horizontally extending rod from the barrier wall, when affixed in the manner claimed.

**Regarding claims 14 and 33**, none of the prior art of record discloses the combination of a vertically positioned rod, a planar barrier, and a mounting pole with a follow-through barrier rod, when affixed in the manner claimed.

**Regarding claims 16 and 35**, none of the prior art of record discloses the combination of an arcuate barrier, a planar barrier, and a mounting pole with a follow-through barrier rod, when affixed in the manner claimed.

Art Unit: 3711

**Regarding claim 50**, none of the prior art of record discloses the combination of an elongate pole, an elbow barrier, a planar barrier, and an arcuate barrier, when affixed in the manner claimed.

***Fee***

Please note that additional fee for the new added claims 39-59 is still pending.

***Conclusion***

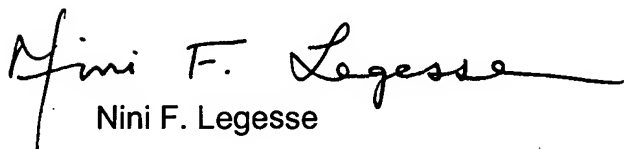
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nini F. Legesse

09/20/05